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**OFFICE OF PETITIONS**

In re Application of  
Mendel et al.  
Application No. 10/828,607  
Filed: April 21, 2004  
Title of Invention: Treatment of  
Neuropathic Pain or Fibromyalgia

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), filed March 23, 2006.

This above-identified application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office Action of June 17, 2005. The final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on September 18, 2005. This decision precedes the mailing of a Notice of Abandonment. A decision dismissing a petition under 37 CFR 1.137(a) was mailed on March 10, 2006.

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

The RCE and the amendment submitted with the instant petition will be forwarded to Technology Center 1600 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant  
Petitions Attorney  
Office of Petitions